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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,739	12/08/2001	Yongzhi Yang		5762

7590 02/11/2005  
Yongzhi Yang  
525 Santa Maria Dr.  
Irvine, CA 92606

EXAMINER

NGUYEN, TRONG NHAN P

ART UNIT PAPER NUMBER

2152

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,739

Applicant(s)

YANG ET AL.

Examiner

Jack P Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-19 are being examined.

#### ***Claim Objections***

Claims 1, 5, and 15 objected to because of the following informalities such as: the word 'he/she' should be changed to 'user'; there's a typo in word "user's". There's an extra space after the apostrophe. This is to comply with proper English grammar. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 3, 4, 5, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In these claims, words like 'can be', 'useful', 'such as', 'without limitation', etc. render the claim indefinite because it fails to ascertain with certainty what is being claimed. Claims 1 and 5 are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. Regarding claims that recite the word 'without limitation' or 'such as', and also for the purpose of examination, Examiner selects one of the conditions to examine.

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Claims 3 and 10 contain the trademark/trade name Microsoft Office. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe user applications and, accordingly, the identification/description is indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins et al, 6,182,212 (Atkins hereafter) in view of Wu, 6,442,570 (Wu hereafter).**

As per claim 1, Atkins teaches a method of transporting user-specific settings and information from a first PC to a second PC (abstract; col. 2, lines 30-34), comprising identifying, on the first PC (10, fig. 1; or PC1), user-specific settings, configuration

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information, and data files associated with the operating environment and a suite of user selected PC applications, storing the said user-specific settings, configuration information, and data files into a portable storage device (30, fig. 1; a diskette can be used to store user-specific settings from first PC), which can then be connected to a second PC (20, fig. 1, or PC2; the PCs can be connected to each other via a network), making the said user-specific settings, configuration information, and data files stored in the said portable storage device accessible by the user from the said second PC so the user can use the said second PC in the same way as if he/she is using the first PC (col., 2, lines 37-45; user can store user settings from PC1 on a diskette and transfer the settings to PC2 so PC2 can have the same settings as PC1). Atkins does not explicitly disclose making the said portable storage device the default storage device while the said portable storage device is connected to the said second PC, so the information created, received and modified by the user is automatically stored into the said portable storage device, and comparing whether the user settings in the device are the same as PC1, while the said portable storage device is connected to the said first PC; if a setting has been updated in the storage device, copy the new setting to the first PC (or synchronize the setting data between portable device with the first PC). However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Atkins to save the new user settings from the second PC (or temporary PC) onto a portable device and transfer the new settings back to the first PC to obtain synchronization between the settings of the two computer systems thus allowing the first PC to use the latest user settings without departing from the spirit and scope of the

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Atkins teachings as disclosed in [col. 10, lines 47-51] (see also the Wu teachings on synchronization between two computer systems – col. 3, lines 60-64; col. 3, lines 67 – col. 4, lines 3).

Claim 5 recites similar limitations as claim 1; therefore, it is rejected for similar rationale as claim 1 addressed above.

As per claims 2-4, 10, and 15, Atkins teaches user-specific settings include display settings (64, fig. 2) employed on the PC (col. 4, lines 48-50); user configurable of Microsoft applications like Microsoft Explorer (col. 3, line 60) and data files (col. 3, lines 28-32). In addition, it would have been obvious to one of ordinary skill in the art to include other user-specific application and data file settings such as email, word, etc. without departing from the spirit of the Atkins teachings as stated above.

As per claims 6-9, 11-14, and 16-19, it would have been obvious to one of ordinary skill in the art to use portable storage device such as flash memory storage device, removable hard disk, flash memory storage device with USB interface, etc. as design choice without departing from the spirit and scope of the Atkins teachings.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Li et al, 6,067,568; Boothby, 6,141,664 ; Braun et al, 6,636,961 ; Llyod et al, 6,779,178 ; Goodman et al, 6,370,646 ; Reeves et al, 6,748,402 ; Mackin et

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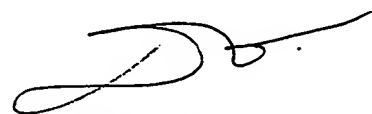
al, 6,728,877 ; Fitzgerald et al, 6,292,889 ; Lenz, 6,029,196 ; Hamilton,  
5,852,722

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (571) 272-3945. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpn



Dung C. Dinh  
Primary Examiner